

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A device for enhancing a surgical procedure on a knee, the device comprising:

at least one stationary femoral member for removably attaching to a distal femur;

and

at least one adjustable femoral member having at least one posterior condylar member disposed to contact a complementary depression in a tibial member when the knee is in flexion, said adjustable femoral member being movably engaged ~~coupled~~ with the stationary ~~femoral~~ member to adjust tension in at least one ligament of ~~or adjacent~~ the knee, the adjustable femoral member including an adjustment member comprising at least one positioning feature that moves ~~relative to the distal femur as the adjustable femoral member~~ relative to the stationary femoral member is adjusted and thus identifies ~~at least one position on the distal femur for~~ facilitating completion of the surgical procedure to enhance ~~at least one of range of motion, stability or~~ and patella tracking of the knee,

wherein the adjustable femoral member is movably engageable ~~couplable~~ with said ~~at least one~~ tibial member engaged with a proximal tibia to allow the knee to be moved through a range of motion without removing the femoral and tibial members.
2. (Currently Amended) A device as in claim 1, wherein the at least one stationary femoral member is engageable with a ~~cut~~ surface at the distal end of the distal femur.
3. (Original) A device as in claim 1, wherein the adjustable femoral member is separately adjustable on a medial side and a lateral side of the femoral member to adjust tension in the at least one ligament.
4. (Original) A device as in claim 3, wherein adjusting on one side relative to the other side causes the adjustable femoral member to rotate relative to the distal femur.

5. (Currently Amended) A device as in claim 4, wherein the adjustment adjustable femoral member comprises:

at least one lateral adjustment member for adjusting a lateral portion of the adjustable member; and

at least one medial adjustment member for adjusting a medial portion of the adjustable member.

6. (Original) A device as in claim 5, wherein the lateral and medial adjustment members are selected from the group consisting of screws, pins, levers, rods, springs, spring-loaded mechanisms and shape memory materials.

7. (Currently Amended) A device as in claim 1 ~~[[3]]~~, wherein the at least one adjustable femoral member ~~comprises~~ further has at least one distal femoral portion for emulating a distal surface of the femur, ~~and at least one posterior condylar portion to emulate posterior condylar surfaces of the femur.~~

8. (Currently Amended) A device as in claim 1 ~~[[7]]~~, wherein the at least one posterior condylar member portion ~~comprises~~:

a medial femoral posterior condylar portion; and

a lateral femoral posterior condylar portion.

9. (Original) A device as in claim 8, wherein the distal femoral portion, the medial femoral posterior condylar portion, and the lateral femoral posterior condylar portion all comprise one piece or extrusion.

10. (Original) A device as in claim 8, wherein the at least one stationary femoral member comprises:

at least one distal femoral plate for coupling the distal femoral portion of the adjustable femoral member to the distal femur; and

at least one posterior condylar member extending from the distal femoral portion to contact at least part of a medial posterior femoral condyle and a lateral posterior femoral condyle of the distal femur.

11. (Original) A device as in claim 10, wherein the at least one posterior condylar member comprises:

- a medial femoral posterior condylar member; and
- a lateral femoral posterior condylar member.

12. (Original) A device as in claim 11, wherein the distal femoral plate, the medial femoral posterior condylar member, and the lateral femoral posterior condylar member all comprise one piece or extrusion.

13. (Original) A device as in claim 11, wherein the medial femoral posterior condylar portion of the adjustable femoral member is adjustable relative to the medial femoral posterior condylar member of the stationary femoral member, and wherein the lateral femoral posterior condylar portion of the adjustable femoral member is separately adjustable relative to the lateral femoral posterior condylar member of the stationary femoral member.

Claim 14 (Cancelled).

15. (Currently Amended) A device as in claim 1 [14], wherein the at least one posterior condylar member comprises:

- a medial femoral posterior condylar member slidably couplable with a medial depression of the tibial member; and
- a lateral femoral posterior condylar member slidably couplable with a lateral depression of the tibial member.

16. (Original) A device as in claim 1, wherein the adjustable femoral member is adjustable relative to the stationary femoral member to separately adjust tension in at least one of a medial collateral ligament and a lateral collateral ligament of the knee.

17. (Original) A device as in claim 1, wherein the at least one adjustable femoral member comprises at least one self-adjusting member.

18. (Original) A device as in claim 17, wherein the at least one self-adjusting member comprises at least one of a spring-loaded member and a shape memory member.

19. (Original) A device as in claim 17, wherein the at least one self-adjusting member adjusts relative to the stationary femoral member to adjust tension in at least one of a medial collateral ligament and a lateral collateral ligament of the knee.

20. (Original) A device as in claim 1, wherein the at least one adjustable femoral member comprises a plurality of pre-adjusted femoral members, each having a different asymmetry relative to the stationary member, wherein one of the pre-adjusted members is selected for facilitating the surgical procedure to provide a desired range of motion when the surgical procedure is completed.

21. (Currently Amended) A device as in claim 1, wherein the adjustment member ~~at least one positioning feature~~ of the adjustable femoral member is selected from the group consisting of an aperture, a drill bit guide, a surface marker, a surface feature, a measurement device, an embedded marker, a fiducial, a transponder, a transceiver and a sensor.

22. (Currently Amended) A device as in claim 21, wherein the adjustment member ~~at least one positioning feature~~ facilitates at least one of placing a cutting guide on the distal femur for making bone cuts, making one or more bone cuts on the distal femur, and positioning a prosthetic femoral component on the distal femur.

23. (Currently Amended) A device as in claim 21, wherein the adjustment member ~~at least one positioning feature~~ comprises at least two apertures.

24. (Original) A device as in claim 23, wherein each of the at least two apertures is configured to guide a drill bit to form a hole in the distal femur for attaching a cutting guide to the femur.

25. (Original) A device as in claim 23, wherein each of the at least two apertures are configured to receive at least one of a marker, a fiducial, a transponder, a transceiver and a sensor.

26. (Previously Presented) A device as in claim 23, wherein the at least two apertures extend through the adjustable femoral member and through apertures in the stationary femoral member to provide access to the distal femur.

27. (Original) A device as in claim 26, wherein the at least two apertures are positioned slightly asymmetrically on the adjustable femoral member to provide for a built-in desired flexibility in the ligaments when the surgical procedure is completed.

28. (Currently Amended) A device as in claim 21, wherein at least one of the adjustable femoral member and the adjustment member ~~positioning feature(s)~~ is asymmetrically oriented relative to the stationary member to provide built-in enhanced range of motion when the surgical procedure is completed.

29. (Original) A device as in claim 28, further comprising multiple adjustable femoral members, each having a different asymmetry relative to the stationary member, wherein one of the multiple adjustable femoral members is selected for facilitating the surgical procedure to provide a desired range of motion when the surgical procedure is completed.

30. (Currently Amended) A system as in claim 1 [42], wherein the ~~at least one~~ tibial member is engageable with a ~~cut~~ surface of the proximal tibia.

31. (Currently Amended) A system as in claim 30, wherein the ~~at least one~~ tibial member comprises at least one shim, paddle, plate, bar, platform or rod.

32. (Currently Amended) A system as in claim 31, wherein the ~~at least one~~ tibial member comprises a plurality of tibial shims having different thicknesses or heights, wherein any one of the plurality of shims may be selected for engaging with the ~~ent~~ surface of the proximal tibia to provide a desired amount of tension in the ligaments.

33. (Currently Amended) A system as in claim 32, wherein the ~~at least one~~ tibial member further comprises a plate for removably attaching to the ~~ent~~ surface of the proximal tibia, disposed between the ~~ent~~ surface and the selected tibial shim.

34. (Currently Amended) A system as in claim 1 ~~[[42]]~~, wherein the femoral member and the tibial member are configured to be movably coupled via force provided by the at least one ligament of or adjacent the knee.

35. (Currently Amended) A system as in claim 1 ~~[[42]]~~, wherein the femoral and tibial members, when engaged with the distal femur and proximal tibia respectively, are disposed primarily within a joint space between the distal femur and the proximal tibia.

36. (Previously Presented) A system as in claim 35, wherein a patella of the knee remains approximately in its anatomical position while the femoral and tibial members are engaged and the knee is moved through the range of motion.

37. (Currently Amended) A system as in claim 1 ~~[[42]]~~, wherein the movable coupling of the femoral and tibial members allows for flexion and extension through the range of motion.

38. (Previously Presented) A system as in claim 37, wherein the range of motion comprises a range from approximately full extension of the knee to approximately full flexion of the knee.

39. (Original) A device as in claim 1, wherein the stationary femoral member comprises at least one material selected from the group consisting of plastics, composites, aluminum, stainless steel, composite, cobalt-chrome, titanium, and other metals.

40. (Original) A device as in claim 1, wherein the adjustable femoral member comprises at least one material selected from the group consisting of plastics, composites, aluminum, stainless steel, composite, cobalt-chrome, titanium, and other metals.

41. (Original) A device as in claim 1, further comprising at least one grasping member coupled with at least one of the stationary and adjustable femoral members for facilitating placement and/or removal of the device from the knee.

42. (Currently Amended) A system for enhancing a surgical procedure on a knee, the system comprising:

at least one femoral member removably engageable with a distal femur, the femoral member comprising:

at least one stationary femoral member for attaching to the distal femur; and

at least one adjustable femoral member having at least one posterior condylar member disposed to contact a complementary depression in a tibial member engage a proximal tibia when the knee is in flexion, said adjustable femoral member being movably engaged coupled with the stationary femoral member to adjust tension in at least one ligament of or adjacent the knee, the adjustable femoral member including an adjustment member comprising at least one positioning feature that moves relative to the distal femur as the adjustable femoral member relative to the stationary femoral member is adjusted and thus identifies at least one position on the distal femur for facilitating completion of the surgical procedure to enhance at least one of range of motion, stability or and patella tracking of the knee; and

a ~~at least one~~ tibial member removably engageable with ~~[[a]]~~ the proximal tibia and having at least one complementary depression for slidably contacting to the posterior condylar member of the adjustable femoral member when the knee is in flexion movably

~~couplable with the femoral member to allow the knee to be moved through a range of motion without removing the femoral and tibial members.~~

43. (Currently Amended) A system as in claim 42, wherein the at least one stationary femoral member is engagable with a cut surface at the distal end of the distal femur.

44. (Original) A system as in claim 42, wherein the adjustable femoral member is separately adjustable on a medial side and a lateral side of the femoral member to adjust tension in the at least one ligament.

45. (Original) A system as in claim 44, wherein adjusting on one side relative to the other side causes the adjustable femoral member to rotate relative to the distal femur.

46. (Currently Amended) A system as in claim 45, wherein the adjustment ~~adjustable femoral member~~ comprises:

at least one lateral adjustment member for adjusting a lateral portion of the adjustable member; and

at least one medial adjustment member for adjusting a medial portion of the adjustable member.

47. (Currently Amended) A system as in claim 42 ~~[[44]]~~, wherein the at least one adjustable femoral member ~~comprises: further has~~ at least one distal femoral portion for emulating a distal surface of the femur; ~~and at least one posterior condylar portion to emulate posterior condylar surfaces of the femur.~~

48. (Currently Amended) A system as in claim 42 ~~[[47]]~~, wherein the at least one posterior condylar member portion comprises:

a medial femoral posterior condylar portion; and

a lateral femoral posterior condylar portion.

49. (Original) A system as in claim 48, wherein the distal femoral portion, the medial femoral posterior condylar portion, and the lateral femoral posterior condylar portion all comprise one piece or extrusion.

50. (Original) A system as in claim 49, wherein the at least one stationary femoral member comprises:

at least one distal femoral plate for coupling the distal femoral portion of the adjustable femoral member to the distal femur; and

at least one posterior condylar member extending from the distal femoral portion to contact at least part of a medial posterior femoral condyle and a lateral posterior femoral condyle of the distal femur.

51. (Original) A system as in claim 50, wherein the at least one posterior condylar member comprises:

a medial femoral posterior condylar member; and

a lateral femoral posterior condylar member.

52. (Original) A system as in claim 51, wherein the distal femoral plate, the medial femoral posterior condylar member, and the lateral femoral posterior condylar member all comprise one piece or extrusion.

53. (Original) A system as in claim 51, wherein the medial femoral posterior condylar portion of the adjustable femoral member is adjustable relative to the medial femoral posterior condylar member of the stationary femoral member, and wherein the lateral femoral posterior condylar portion of the adjustable femoral member is separately adjustable relative to the lateral femoral posterior condylar member of the stationary femoral member.

Claim 54. (Cancelled).

55. (Currently Amended) A system as in claim 42 ~~[[54]]~~, wherein the at least one posterior condylar member comprises:

a medial femoral posterior condylar member slidably couplable with a medial depression of the tibial member; and
a lateral femoral posterior condylar member slidably couplable with a lateral depression of the tibial member.

56. (Original) A system as in claim 42, wherein the adjustable femoral member is adjustable relative to the stationary femoral member to separately adjust tension in at least one of a medial collateral ligament and a lateral collateral ligament of the knee.

57. (Original) A device as in claim 42, wherein the at least one adjustable femoral member comprises at least one self-adjusting member.

58. (Original) A device as in claim 57, wherein the at least one self-adjusting member comprises at least one of a spring-loaded member and a shape memory member.

59. (Original) A device as in claim 57, wherein the at least one self-adjusting member adjusts relative to the stationary femoral member to adjust tension in at least one of a medial collateral ligament and a lateral collateral ligament of the knee.

60. (Original) A device as in claim 42, wherein the at least one adjustable femoral member comprises a plurality of pre-adjusted femoral members, each having a different asymmetry relative to the stationary member, wherein one of the pre-adjusted members is selected for facilitating the surgical procedure to provide a desired range of motion when the surgical procedure is completed.

61. (Original) A system as in claim 42, wherein the at least one positioning feature of the adjustable femoral member is selected from the group consisting of an aperture, a drill bit guide, a surface marker, a surface feature, a measurement device, an embedded marker, a fiducial, a transponder, a transceiver and a sensor.

62. (Original) A system as in claim 61, wherein the at least one positioning feature facilitates at least one of placing a cutting guide on the distal femur for making bone cuts, positioning actual bone cuts on the distal femur, and positioning a prosthetic femoral component on the distal femur.

63. (Currently Amended) A system as in claim 61, wherein the at least one adjustment member positioning feature comprises at least two apertures

64. (Original) A system as in claim 63, wherein each of the at least two apertures is configured to guide a drill bit to form a hole in the distal femur for attaching a cutting guide to the femur.

65. (Original) A system as in claim 63, wherein each of the at least two apertures are configured to receive at least one of a marker, a fiducial, a transponder, a transceiver and a sensor.

66. (Previously Presented) A system as in claim 63, wherein the at least two apertures extend through the adjustable femoral member and through apertures in the stationary femoral member to provide access to the distal femur.

67. (Original) A system as in claim 66, wherein the at least two apertures are positioned slightly asymmetrically on the adjustable femoral member to provide for a built-in desired flexibility in the ligaments when the surgical procedure is completed.

68. (Currently Amended) A system as in claim 61, wherein at least one of the adjustable femoral member and the adjustment member positioning feature(s) is asymmetrically oriented relative to the stationary member to provide built-in enhanced range of motion when the surgical procedure is completed.

69. (Original) A system as in claim 68, further comprising multiple adjustable femoral members, each having a different asymmetry relative to the stationary member, wherein

one of the multiple adjustable femoral members is selected for facilitating the surgical procedure to provide a desired range of motion when the surgical procedure is completed.

70. (Currently Amended) A system as in claim 42, wherein the at least one tibial member is engageable with a ~~cut~~ surface of the proximal tibia.

71. (Original) A system as in claim 70, wherein the at least one tibial member comprises at least one shim, paddle, plate, bar, platform or rod.

72. (Currently Amended) A system as in claim 71, wherein the at least one tibial member comprises a plurality of tibial shims having different thicknesses or heights, wherein any one of the plurality of shims may be selected for engaging with the ~~cut~~ surface of the proximal tibia to provide a desired amount of tension in the ligaments.

73. (Currently Amended) A system as in claim 72, wherein the at least one tibial member further comprises a plate for removably attaching to the ~~cut~~ surface of the proximal tibia, disposed between the ~~cut~~ surface and the selected tibial shim.

74. (Previously Presented) A system as in claim 42, wherein the femoral member and the tibial member are configured to be movably coupled via force provided by the at least one ligament of or adjacent the knee.

75. (Original) A system as in claim 42, wherein the femoral and tibial members, when engaged with the distal femur and proximal tibia respectively, are disposed primarily within a joint space between the distal femur and the proximal tibia.

76. (Original) A system as in claim 75, wherein a patella of the knee remains approximately in its anatomical position while the femoral and tibial members are engaged and the knee is moved through the range of motion.

77. (Original) A system as in claim 42, wherein the movable coupling of the femoral and tibial members allows for flexion and extension through the range of motion.

78. (Original) A system as in claim 77, wherein the range of motion comprises a range from approximately full extension of the knee to approximately full flexion of the knee.

79. (Original) A system as in claim 42, wherein the stationary femoral member comprises at least one material selected from the group consisting of plastics, composites, aluminum, stainless steel, composite, cobalt-chrome, titanium, and other metals.

80. (Original) A system as in claim 42, wherein the adjustable femoral member comprises at least one material selected from the group consisting of plastics, composites, aluminum, stainless steel, composite, cobalt-chrome, titanium, and other metals.

Claims 81-114 (Cancelled).

115. (Previously Presented) A device as in claim 1, wherein the adjustable femoral member is movably couplable with at least one tibial member engaged with a proximal tibia to allow the knee to be freely through a range of motion prior to cutting bone from the posterior condyles of the femur.

116. (Previously Presented) A device as in claim 1, wherein the adjustable femoral member is configured to be adjusted to identify at least one position on the distal femur for rotationally orienting a guiding device on the femur to make at last one bone cut for positioning of an implanted prosthetic femoral device, the position of the implanted device enhancing at least one of range of motion, stability and patella tracking of the knee.

117. (Previously Presented) A device as in claim 116, wherein the guiding devices is a cutting guide, a fiducial, a marker, a transponder or a transceiver and sensor.

118. (New) A device as in claim 1, wherein the at least one stationary femoral member comprises

at least one distal femoral plate for removably attaching to the distal femur; and

at least one stationary posterior condylar member extending substantially perpendicular from the distal femoral plate to contact at least part of a medial posterior femoral condyle or a lateral posterior femoral condyle of the distal femur.

119. (New) A device as in claim 1, wherein the adjustable femoral member comprises a plate and the at least one posterior condylar member extends substantially perpendicularly from the plate.

120. (New) A system as in claim 42, wherein the at least one stationary femoral member comprises:

at least one distal femoral plate for removably attaching to the distal femur; and
at least one stationary posterior condylar member extending substantially perpendicular from the distal femoral plate to contact at least part of a medial posterior femoral condyle or a lateral posterior femoral condyle of the distal femur.

121. (New) A system as in claim 42, wherein the adjustable femoral member comprises a plate and the at least one posterior condylar member extends substantially perpendicular from the plate.